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International Convention
on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Azerbaijan

1. The Committee considered the initial and second periodic reports of Azerbaijan (CERD/C/350/Add.1) at its 1358th and 1359th meetings (see CERD/C/SR.1358 and 1359), on 18 and 19 August 1999. At its 1368th meeting (see CERD/C/SR.1368), on 25 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial and second periodic reports submitted by the State party in one document and the additional written information provided by the delegation as well as the opportunity thus offered to open its dialogue with the State party. It expresses its satisfaction at the high quality of the report, its conformity with the guidelines and the participation of non-governmental organizations in its preparation. The Committee has been encouraged by the presence of a high-ranking delegation and expresses its appreciation for the constructive dialogue with its members.

B. Factors and difficulties impeding the
implementation of the Convention

3. After regaining independence in 1991 the State party was soon engaged in war with Armenia, another State party. As a result of the conflict, hundreds of thousands of ethnic Azerbaijanis and Armenians are now displaced persons or refugees. Because of the occupation of some 20 per cent of its territory, the State party cannot fully implement the Convention.

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C. Positive aspects

4. The Committee notes with satisfaction that on ratification the International Convention on the Elimination of All Forms of Racial Discrimination, like other international instruments, became an integral part of the State's domestic legislation. It is particularly encouraged by the measures to secure the independence of judges and by the establishment of a special directorate to investigate irregularities in the treatment of members of the public by police officers.

5. The State party's efforts in supporting the teaching of the languages of minorities and other measures in the fields of teaching, education, culture and information on human rights are welcomed.

6. The Committee notes with appreciation the State party's implementation of an international cooperation programme in the field of human rights in cooperation with the Office of the United Nations High Commissioner for Human Rights.

D. Principal subjects of concern

7. The Committee expresses its concern about the continuation of the conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan. Since the conflict undermines peace and security in the region and impedes implementation of the Convention, the Committee hopes that a solution can be found in accordance with the principles identified in the framework of the OSCE and with internationally recognized human rights standards.

8. Since the 1989 census the Russian-speaking and Armenian minorities have greatly declined in numbers. More information is needed on all ethnic groups, their geographical location and economic and social circumstances.

9. While noting that the State party's Constitution guarantees the equal rights of every person irrespective of race, and that domestic legislation criminalizes acts of racial discrimination, the Committee is concerned about the lack of information on the implementation of articles 2 and 4 of the Convention and about the difficulties which organizations promoting the objectives of the Convention have apparently encountered when seeking official registration.

10. Although the Committee notes that the State party's Constitution guarantees the enjoyment, without discrimination, of most of the rights mentioned in article 5 of the Convention, it remains acutely concerned about the effective enjoyment of these rights by persons belonging to ethnic groups, in particular by persons belonging to the Armenian, Russian and Kurdish minorities when seeking employment, housing and education.

11. The Committee shares the State Party's concern about the situation of displaced persons and refugees which has resulted from the conflict and the occupation of part of the State party's territory.

12. The Committee takes note of the information on the existing legal means for lodging complaints in cases of racial discrimination. It fears that the absence of complaints by victims of racial discrimination may indicate ignorance of or a lack of confidence in the available legal remedies.

E. Suggestions and recommendations

13. The Committee suggests that the State party analyse the findings of the forthcoming census to throw light on the relatively great emigration from the Russian-speaking and Armenian minorities and on the economic and social situation of the other ethnic groups.

14. With regard to articles 2 and 4 of the Convention and in order better to evaluate the concrete implementation of these articles, the Committee requests the State party to include in its next periodic report relevant articles of the Constitution, Criminal Code and the Laws on Political Parties and Public Organizations and information on how these laws are applied.

15. The Committee recommends that the State party also include in its next report appropriate extracts from the Law on Citizenship so that the Committee can consider the extent to which it is in conformity with the Convention.

16. The Committee recommends that the State party utilize all available means, including international cooperation, to ameliorate the situation of displaced persons and refugees, especially regarding their access to education, employment and housing, pending their return to their houses under conditions of safety.

17. The Committee also recommends the State party to consider establishing a national human rights institution to facilitate the implementation of the Convention, in accordance with the Committee's general recommendation XVII.

18. With regard to the implementation of article 6 of the Convention, the Committee recommends that the State party take further steps to facilitate equal access to the courts and administrative bodies for all persons belonging to ethnic minorities and provide information on the right to seek just and adequate reparation for any damage suffered as a result of racial discrimination.

19. The Committee encourages the State party to continue cooperating with the Office of the United Nations High Commissioner for Human Rights in the protection of human rights, against racial discrimination. In this connection, the Committee recommends the State party to consider promoting the education and training on racial tolerance and human rights issues of law enforcement officials, in accordance with article 7 of the Convention and general recommendation XIII of the Committee.

20. The Committee noted with concern the allegations made by the reporting State that another State party is not giving effect to the provisions of the Convention. It therefore draws the attention of the State party to the procedure established in article 11 of the Convention.

21. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered. The Committee also recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

22. The Committee suggests to the State party that the report and these concluding observations be widely distributed to the public. The Committee recommends that the State party's next periodic report, due on 15 September 2001, be an updating report and that it address the points raised in these concluding observations.